THE EXAMINER.

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THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 131.

REMARKS ON COUNT ZENOBIO'S CHARGE AGAINST THE EXAMINER OF AN ATTACHMENT TO BONAPARTE.

THE due appreciation of an enemy, though one of the most useful tasks of men, is by no means one of the easiest. A natural unwillingness to contemplate calmly the object of our dislike,—self-love, which persuades us that such a contemplation is unnecessary,—and the spirit of revenge, which, when it does not succeed, is willing to comfort itself as much as possible by contempt,—all tend to blind our discrimination; and while we think to set our enemy in the worst possible light by this undistinguishing animosity, we really pay him a compliment by shewing how he takes away our reason. This has particularly been the case with regard to BONAPARTE. Persons, who flatter themselves that they have an exclusive abhorrence of vice, and a great majority of others, who would persuade us that they have an exclusive hostility to our enemies, will hear of nothing respectable in the whole compass of his character: they see that there are a few weak men who, blinded by the brilliancy of his military fame, can discover no blot in the radiance; and because such men go to one foolish extreme, they are resolved it seems to go to another, and discover no radiance amidst the blots.

Among the most vehement of these declaimers is Count ZENOBIO, who for some time past has occasionally treated the public with a bitter philippic against our adversary, and has generally timed it so well, that when BONAPARTE has been gaining some of his most important advantages, it has not failed to assure us that he has as little talent as virtue. The Count is a Venetian Nobleman, who not chusing to acquiesce in the new order of things in his native country, left his large estates at the mercy of his enemies, and took up his residence in England, where he still lives, much respected, I believe, for his manners and good intentions. Instead however of habituating himself to his present condition, and philosophizing as much as possible on the irrecoverable downfal of the old system of things, he cannot help clinging to hopes that will do him no service, and looking forward to prospects that are in no quarter of the continental sky. Attached, like the rest of the emigrants, to the old race of nobles and governments, yet at the same time possessing too much good sense not to see that most of their evils were self-created, he indulges himself in the inconsistency of at once hoping for the restoration of the former system and deprecating the errors which it has struggled to uphold. With these contradictory feelings he calls upon the old despotisms to wage war upon *popular* principles against BONAPARTE—entreats the Venetians to revive their old Aristocracy, which has shewn itself so unable to do them service—and, in short, wonders that the old governments do not win the favour of the people, and that the people are not in love with the old governments: whereas, he should recollect, that as most of the old governments are founded on corrupt principle, and all of them are grown old in corruption, they can exist in corruption only—that if the people were really and properly roused on the Continent, they would wage war against *all* despotism, whether foreign or domestic—and, in a word, that the old system is necessarily disappears, *notwithstanding* the vices of the new, as the profligate Duke of WHARTON died in his old age, though, as fate would have it, he was succeeded by a profligate son.—But my present business is not with these opinions; and in charity both to the reader and the Count, I pass over many strange weaknesses and inconsistencies in his management of the subject—his high praises, for instance, of the old *uncorrupt* Venetian State, and his suggestions *nevertheless* of *some* little improvements, such as a melioration in the criminal code, the eligibility of every citizen to office, and the formation of a *House of Representatives*, as a *check* to the uncorrupt Senate;—his hopes of the Germans, the Dutch, and the Italians, of British expeditions, and of powerful diversions;—his plans for "shortly organizing" 200,000 men here and 300,000 men there, and other cherry-stone sketches for coffee-house veterans;—and, above all, his earnest entreaties to the Venetians to rise in a mass against their conquerors, while he himself, instead of assisting in person, is picking his teeth in English hotels.

It was on account of this grievous display of politics, that the worthy Venetian triumphed over the patience of many persons by no means ill-disposed towards him, and among others, of a Correspondent signing himself *Economy*, who wrote me a letter in December last, begging me to notice, if I had room enough and respect enough for the subject, the Count's "puerile rhapsodies" and "superlative nonsense," and to "caution him against wasting more paper." (See *Examiner*, Vol. II. No. 102. p. 793.) This style, it must be confessed, was not very courtly; and there does not appear to have been the least ground for a charge against the Count of "wishing to write himself into place;" but it is no wonder, that those who wished to have BONAPARTE rightly understood in order to be rightly opposed, should feel indignant at seeing a champion for freedom encouraging every mad scheme of alliance and expedition, and exclaiming against the enemy in the vague and manlin fury of the *Morning Post*. The

Count, however, could not let this rough injunction pass without shewing his particular sense of it, and accordingly published, in the *Morning Chronicle*, a long article on the subject, headed, if I remember rightly, "*Libel in the Examiner.*" Of this I took no notice, not only because I thought it deserved none, but out of tenderness to the Count himself, who had been already handled with sufficient roughness, and who claimed my respect, if not by his arguments, by his misfortunes and his good name. It was under the same impressions, that I forbore also any mention of the pamphlet entitled "Six Letters on the Expediency of Re-establishing the Republic of Venice," which the Count subsequently did me the honour to send me; and nothing would have been said on the subject, had I not observed in the *Chronicle* of yesterday week another political disquisition, in which he again mentions it, and charges the *Examiner*, on the mere strength of the letter sent me in December last, with an attachment to Bonaparte.—"I cannot help," says the Count, "expressing here again my surprise to find myself abused in a popular paper (the *Examiner*) for having attacked Bonaparte. That such a mortal foe to liberty and destroyer of republics should be a favourite with liberty men and republicans, is truly strange, but certainly it is so in this country." Of this charge I am at length induced to take some notice for two reasons—1st, Because it comes from a more respectable quarter than is usual with such accusations: And 2d, Because the public repetition of it, affecting as it does one's common sense and feelings, ought to be reprobated. What the Count means by "Republicans," I cannot conjecture. Against the principle of Republican Government I have often said enough in this paper, and therefore shall not think it necessary to say any thing respecting this curious bye-charge:—but setting this aside, I am sorry to say, that in these few lines there is a misstatement of facts, as well as a charge without the least foundation. The Count was *not* "abused" in the *Examiner* "for having *attacked* Bonaparte." He may attack him as severely as he pleases, and no honest men will object to the assault, either with a pen in a coffee-house, or with his sword in the Venetian territory, only he should take care that his grounds of attack are as just with the one as they would be with the other. The Count, I believe, was never mentioned in the *Examiner*, but in the one instance already quoted, and in that he was accused, not of simply *attacking* Bonaparte, not of attacking his ambition, his usurpations, or his crimes of any kind, but of denying him "the credit of *superior abilities*," asserting that he was no more than "a successful Chief of Banditti,"—and joining in other impotent cant with regard to his *talents*,—a cant equally unfounded, disputable, and *injurious*. On what ground then did the Count so far neglect what was due, not only to me but to himself, as to accuse me, by something more than implication, of making a favourite of such a man as Bonaparte—a man, who with all those *great talents* for which the *Examiner* has ever given him credit, and which I do not at all think it necessary to defend here, has nevertheless been *always* represented in that paper as a foe to sound thinking and sound liberty? I know that there are some unhappy persons in this country, who think it no disgrace or inconsistency to talk of Reform and to idolize Bonaparte with the same breath; I am aware there are such persons, gifted with as little philosophy as politics, and professing to be what it is *impossible*, under such circumstances, they can be; but it is not my fault if individuals will so disgrace themselves; it is not my fault, if a professed Reformist, like a boy at play, will put up his principles with one hand, only to knock them down with the other; it is not my fault, in short, if there are knaves, or fools, or madmen in society. I am willing to steer properly between extremes in the estimation of character, and for that reason I have always admired the talents of Bonaparte, as I would have done those of Frederick, of Alexander, of Genghis Khan, or any other illustrious slaughterer of mankind; but not the less have I deprecated the abuse of those talents,—not the less have I deprecated his ambition, his bloodshed, his manifestations of meanness, and all the other traits in his character which have cut him off from true greatness. Proofs of this are not wanting to the customary readers of the *Examiner*; but that proof may not be wanting to a single person, who may see the Count's accusation, and adopt it for want of knowing me better, I here refer to several passages in the past Numbers of this Paper, sufficiently strong to convince even the unwilling, and might refer to many more if there were the least necessity. See particularly a "Character of Napoleon" in the *fourth* Number (Vol. I. p. 49.) where his general merits and demerits are summed up, and an earnest distinction drawn between his talents and *real* greatness:—"The French people have given their Emperor the title of *Great*, but in spite of his vast genius and the common prostitution of this title, no man radically ambitious was ever radically great," &c. &c.—"A worse trait in his character is the deadliness of his personal revenge," &c. &c. "Mr. President Jefferson, in his resignation, and in his obedience to the example of Washington, has given a most bitter satire on the conduct of the French Emperor." (Vol. I. N. 5. p. 75.)—"In the particulars of the journey to Bayonne, and of the subsequent detention of the Royal Family, as detailed by Don Pedro Cevallos, one knows not which to admire most, the consummate folly of the new King, the profligate perfidy of the French Emperor, or the exquisite mixture of hypocrisy and insolence displayed by his agents." (Vol. I. No. 42. p. 656.)—"Bonaparte, in his interview with Lannes, who was desperately wounded in the thigh, is said to have shed tears. Pathetic ruffian! The Devil, according to Milton, shed tears *once* at the sight of his miserable followers, but he did not therefore condemn them to follow him, or spare the face of nature from perpetual tears." (Vol. 2. No. 76. p. 379.)

"For my part, I can admire the talents of this wonderful man, his activity in prosperity, his prudence in adversity, his encouragement of the Fine Arts, and his freedom from luxury and effeminacy, without having the least respect for his bad temper, his bad passions, or his bloodshed. Let those, who, while they are hunting after the pomps and vanities of the world, cry out indiscriminately against his actions and defend in others the vices they abhor in him, take care that their hatred does not arise from envy rather than from virtue:—a reasonable man, who places happiness in the power of reflecting complacently, approves neither of them nor of their enemy, neither of the place-hunting Courtier nor of the power-hunting Conqueror."—(Vol. 2. No. 81. p. 449.)—*Cum multis aliis.*

Is this the style, are these the sentiments of a writer attached to BONAPARTE? Are they not rather the sentiments of one, who feels a great respect for talent, but a still greater for virtue—who sets philosophy far above worldly politics, and is prepared to doff his cap to no vice whatever, let it come in what shape it will, at home or abroad, as friend or as enemy? The truth of the matter is contained in the last of these quotations. I have often professed myself indignant at hearing BONAPARTE abused for his vices, but not when the reproach came from Count ZENONIO, or any other honest man:—it was when it came from shameless politicians, whose vices differed from his only with regard to success—from the ambitious and place-hunting oppressors of Ireland—from the CANNINGS, the PERCEVALS, and the WELLESLEYS, the intriguers, the hypocrites, and the shedders of blood. Really, I almost feel ashamed to defend myself from a charge at once so fantastic and so monstrous. But this reply will induce Count ZENONIO to do himself justice as well as me, and to explain that *apparent* want of candour, with which he has made such an accusation against the general character of the *Examiner*.

As far as the Count carries his hostility to BONAPARTE without doing injury to the very cause of liberty, so far every thinking and decent person will go with him. All such persons will agree with him in his hatred of the man's vices; they will agree with him in wishing, not indeed for the restoration of the old governments, but for the restoration of real freedom every where; and in the midst of their wishes for the downfall of tyranny, they will agree with him also in deprecating assassinations and Sicilian vespers, in the abhorrence of which, though an Italian and a personal sufferer from BONAPARTE, he has set so laudable an example to certain persons calling themselves Englishmen.—But after what the old governments have done for the Continent, the thinking persons among us are by no means sanguine, like the Count, as to the event of any effort in it's behalf: and when he accuses BONAPARTE of want of talent, when he calls him an *upstart*, a *lunatic*, the *distempered head of a family of beggars and famished upstarts*, a *mere chief of banditti*, a *fellow* who has dazzled unreflecting men by *victories easily acquired*, and *all that*, they think that he does much more harm than good to his cause, and that he by no means sets his candour or his consistency in a better light by opposing to these philippics his praises of the ancient *respectable* families, of the great and *of course* superior generalship of the Archduke CHARLES, and of just, generous, and pious princes, who like France usurp just as much as they can get. No fury of words—no impotence of aristocratic pride—will ever induce the world in general to look upon BONAPARTE as a fool; and as far as such an opinion could possibly take root—as far as men could be induced to feel or to affect a contempt for his plans—so far a serious injury would be done to the very cause they would support. To worship him, as some persons do, is certainly an effectual way of making him invincible; but not to have the proper sense of his talents, is to flatter ourselves into a vain security from danger, and might prove almost as fatal. The Count, though he assures us he is free from passion on the subject, has been led away by his horror of the man who has caused him so much loss and anxiety; but he is well acquainted, no doubt, with his country's literature, and if he had no better grounds for knowing that such characters existed as men at once very bad and very clever, he should remember that the Italian poets, as well as historians, abound with such characters; and that ARETINE, who was called the Scourge of Princes, and who had medals struck representing monarchs paying him tribute, was himself as worthless as he was formidable—a sort of BONAPARTE in literature;—yet nobody undertook to set him down by calling him a simpleton.

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FOREIGN INTELLIGENCE.

FRANCE.

REPORT TO THE EMPEROR.

"*Paris, July 9, 1810.*

"I have the honour to lay before your Majesty an Act of the King of Holland, dated the 3d inst. by which that Monarch declares, that he abdicates the Crown in favour of his eldest son, leaving, according to the Constitution, the Regency to the Queen, and establishes a Council of Regency composed of his Ministers.

"Such an Act, Sire, ought not to have appeared without a previous concert with your Majesty. It can have no force without your approbation. Ought your Majesty to confirm the disposition taken by the King of Holland?

"The union of Belgium with France has destroyed the independence of Holland. Her system has necessarily become the same with that of France. She is obliged to take part in all the maritime wars of France, as if she were one of her provinces. Since the creation of the arsenal of the Scheldt, and the annexation to France of the provinces composing the departments of the Mouths of the Rhine and the Mouths of the Scheldt, the commercial existence of Holland has become precarious. The merchants of Antwerp, Ghent, and Middleburgh, who can, without any restriction, extend their speculations to the extremities of the Empire, of which they form a part, necessarily carry on the commerce which Holland transacted. Rotterdam and Dordrecht are already on the verge of ruin; these cities having lost the commerce of the Rhine, which goes direct, by the new frontier, to the ports of the Scheldt, passing through the Biesbosch. The part of Holland, which is still alien to

the Empire, is deprived of the advantages enjoyed by the part united thereto. Compelled, nevertheless, to make common cause with France, Holland will have to support the charges of this allowance without reaping any of its benefits.

"Holland is sunk under the weight of her public debt, which amounts to between 85 and 90 millions, that is to say, a fourth more than the debt of the whole empire; and if a reduction had been projected by the Government of the country, it would not have been in its power to give a guarantee for the inviolability and permanence of such a measure, inasmuch as the debt, if even reduced to 30 millions, would still be beyond the actual means and ability of that country. It is estimated Holland pays triple the sum that France pays. The people groan under the weight of 23 distinct descriptions of contributions. The Dutch nation sinks under its contributions, and can no longer pay them.

"Nevertheless, the necessary expences of the Government require that this burthen should be augmented. The budget for the Marine amounted, in 1809, to three millions only of florins, a sum scarcely sufficient to pay the Administrators, the officers, and seamen, and to defray the expence of the arsenals, and which has not admitted of the equipment of a single ship of war. To provide for the armament ordered in 1810, and which is the minimum of the naval force necessary for the defence of Holland, triple that sum would be requisite. The War Budget has scarcely afforded a sufficiency for maintaining the fortresses and 16 battalions; and whilst two branches of such importance are so far from having what is necessary for supporting the honour and dignity of independence, the interest of the public debt has ceased to be paid. It is more than a year and a half in arrear.

"If, in such a state of things, your Majesty maintain the recent dispositions, by assigning to Holland a provisional Government, you will only be prolonging her painful agony. If the Government of a Prince, in the vigour of life, has left the country in so distressed a situation, what can be expected from a long minority? It cannot, therefore, be saved but by a new order of things. The period of the power and prosperity of Holland was when it formed part of the greatest monarchy then in Europe. Her incorporation with the great Empire is the only stable condition in which Holland can henceforth repose from her sufferings and long vicissitudes, and recover her antient prosperity.

"Thus, ought your Majesty to decide in favour of such an union, for the interest, nay more, for the salvation of Holland. She ought to be associated in our blessings, as she has been associated in our calamities. But another interest still more imperiously indicates to your Majesty the conduct which you ought to adopt.

"Holland is, in fact, a shoot from the French territory: it constitutes a portion of soil necessary to complete the form of the Empire. To become full master of the Rhine, your Majesty should advance to the Zuyder Sea. By this means all the rivers, which have their source in France, or which wash the frontiers, will belong to you as far as the sea. To leave the mouths of your rivers in the possession of strangers, would in fact, Sire, confine your power to an ill-limitted Monarchy, instead of erecting an Imperial throne. To leave in the power of foreigners the mouths of the Rhine, the Meuse, and the Scheldt, would be tantamount to submitting your laws to them; it would render your manufactures and commerce dependent on the Powers who should be in possession of those mouths; it would admit a foreign influence in that which is most important to the happiness of your subjects. The annexation of Holland is still necessary to complete the system of the Empire, particularly since the British Orders in Council of November, 1807. Twice since that period your Majesty has been obliged to close your Custom-houses to the trade of Holland, in consequence of which Holland was isolated from the Empire and the Continent. After the peace of Vienna, it was in your Majesty's contemplation to annex this kingdom. You were induced to abandon this idea from considerations that no longer exist. You agreed with reluctance to the treaty of the 14th of March, which [illegible] the calamities of Holland, without meeting [illegible] of your Majesty. The obstacle which prevented [illegible] of itself. Your Majesty owes it to your Empire to take advantage of a circumstance which so naturally leads to the Union. There can be none more favourable for the execution of your projects.

"Your Majesty has established at Antwerp a powerful arsenal. The astonished Scheldt swells with pride to behold 20 vessels of the first rate bearing your Majesty's flag, and protecting its shores, that were formerly scarcely visited by some trading vessels. But the grand designs of your Majesty in this respect, cannot be fully accomplished except by the union of Holland. It is necessary to complete so astonishing a creation. Under your Majesty's energetic government, the ensuing year will not terminate before, by calling into action the maritime resources of Holland, a fleet of forty sail of the line, and a great number of troops, shall be assembled in the Scheldt and Texel, to dispute with the British Government the sovereignty of the sea, and repel its unjust claims.

"So that it is not the interest of France alone that calls for this union; it is that of Continental Europe, who applies to France to repair the losses of her marine, and combat, on her own element, the enemy of the prosperity of Europe; whose industry, it has not been able to stifle, but whose communications it obstructs by its insolent claims, and the vast number of its ships of war. Finally, the union of Holland augments the empire, in rendering more close the frontiers she defends, and in adding to the security of its arsenals and docks. It enriches it by an industrious, thrifty, and laborious people, who will add to the stock of public wealth, in increasing their private fortunes. There are no people more estimable, or better adapted to derive benefit from the advantages which the liberal policy of your government affords to industry. France could not have made a more valuable acquisition.

"The annexation of Holland to France is the necessary consequence of the union of Belgium. It completes your Majesty's Empire, as well as the execution of your system of war, politics, and trade. It is the first, but a necessary step towards the restoration of your navy; in fact, it is the heaviest blow which your Majesty could inflict upon England.

"As to the young Prince, who is so dear to your Majesty, he has already felt the effects of your good will. You have bestowed on him the Grand Duchy of Berg. He has therefore no occasion for any new establishment.

"I have the honour to propose to your Majesty the *project* of the following Decree. I am, &c.

"CHAMPAGNY, Duke of Cadore."

Palace of Rambouillet, July 9, 1810.

We, NAPOLEON, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine, Mediator of the Swiss Confederation, &c. &c. have decreed, and hereby decree, as follows:—

TITLE I.

Art. 1. Holland is united to France.

2. The City of Amsterdam shall be the third City of the Empire.

3. Holland shall have six Senators, six Deputies to the Council of State, 25 Deputies to the Legislative Body, and two Judges in the Court of Cassation.

The officers by sea and land, of whatever rank, shall be confirmed in their employments. Commissions shall be delivered to them signed with our hand. The Royal Guard shall be united to our Imperial Guard.

TITLE II.—*Of the Administration for* 1810.

5. The Duke of Placentia, Arch-Treasurer of the Empire, shall repair to Amsterdam in the capacity of our Lieutenant-General. He shall preside in the Council of Ministers, and attend to the dispatch of business. His functions shall cease the 1st of January, 1811, the period when the French Administration shall commence.

6. All the public functionaries, of whatever rank, are confirmed in their employments.

TITLE III.—*Of the Finances.*

7. The present contributions shall continue to be levied until the 1st of January, 1811, at which period the country shall be

eased of that burden, and the imports put on the same footing as for the rest of the Empire.

8. The budget of receipts and disbursements shall be submitted to our approbation before the 1st of August next.

Only one-third of the present amount of interest upon the public debt shall be carried to the account of expenditure for 1810.

The interest of the debt for 1808 and 1809, not yet paid, shall be reduced to one-third, and charged on the budget of 1810.

9. The Custom-houses on the frontier, other than those of France, shall be organized under the superintendance of our Director-General of the Custom-houses. The Dutch Custom-houses shall be incorporated therewith.

The line of Custom-houses, now on the French frontier, shall be kept up until the 1st of January, 1811, when it shall be removed, and the communication of Holland with the Empire become free.

10. The colonial produce, actually in Holland, shall remain in the hands of the owners, upon paying a duty of 50 per cent. *ad valorem*. A declaration of the amount shall be made before the 1st of September at farthest.

The said merchandize, upon payment of the duties, may be imported into France, and circulated through the whole extent of the Empire.

TITLE IV.

11. There shall be at Amsterdam a special Administration, presided over by one of our Counsellors of State, which shall have the superintendance of, and the necessary funds to provide for, the repairs of the dikes, polders, and other public works.

TITLE V.

12. In the course of the present month, there shall be nominated, by the Legislative Body of Holland, a Commission of 15 Members, to proceed to Paris, in order to constitute a Council, whose business shall be to regulate definitively all that relates to the public and local debts, and to conciliate the principles of the union with the localities and interests of the country.

13. Our Ministers are charged with the execution of the present decree. NAPOLEON.

The Minister Sec. of State, H. B. Duke of BASSANO.

[FROM THE MONITEUR.]

The advices from Spain and the army of Portugal are very unimportant. The army of Catalonia is marching towards Tarragonia, to besiege that fortress. A division of the army of Arragon is directing its march upon Torlet. The ordnance and stores for the siege are embarked on the Ebro. In the South, the first corps, commanded by the Duke of Belluno, is in front of Cadiz. The 5th corps, commanded by the Duke of Treviso, is on the frontier of Portugal, to the right; and the 4th corps, commanded by General Sebastiani, is towards Malaga and Murcia.—Gun-boats are constructing; batteries are erecting on the coast. Three crews of French sailors and a regiment of workmen have at length arrived in Andalusia, consisting, in all, of between 3000 and 4000, expert in naval operations. In Spain, there are in some provinces disturbances and banditti, but no where is there any longer a Spanish army in existence. When Gen. Moore was in Spain, the Spaniards had an army of more than 200,000 men on the Ebro. When, at a subsequent period, General Wellington marched to Talavera, they still had three armies; one in Catalonia, one under the command of Cuesta, and another one called the Army of the Centre; making together about 80,000 men. At present they have only three corps, scarcely making 24,000 recruits, who are unworthy the name of soldiers.

TO HIS SERENE HIGHNESS THE PRINCE OF WAGRAM AND NEUFCHATEL, VICE-CONSTABLE, MAJOR-GENERAL.

"SIR,—I arrived at * Caridad on the evening of the 24th; yesterday, the 25th, at four in the morning, I ordered the fire to be commenced against the fort with 46 guns; it appears that the garrison did not expect it so soon. They were very much disconcerted for the first few hours, and only returned it feebly. Soon after they began to fire with a great deal of activity. The fortifications were damaged, the parapet and embrasures were much injured, and several guns dismounted. The fire broke out several times, and in various parts of the town; one of the magazines exploded with a tremendous noise. That part of the wall to the east, which it adjoined, was damaged. The same accident befell us. Two small depots also took fire, and occasioned us the loss of some men. Our loss in the whole amounts to 2 officers and 10 men killed, one officer and 41 wounded. It might have been more, considering how near the batteries were, and the pebbly nature of the soil. That of the enemy, confined within stone ramparts, and encumbered with inhabitants, must have been much greater. Our sharpshooters, posted almost above the glacis, embarrassed much the cannoniers of the garrison, of whom they killed a great many. The enemy remained in possession of a part of the convent of the Holy Cross, from which they enfiladed our approaches on the left. They were driven from it in the night, and the whole convent is occupied by us. Our approaches are proceeding. I have driven the English beyond the Arava. My cavalry are on the right bank of that streamlet, with some artillery and a few battalions of light infantry. The English army still occupies the same positions at Espeja, Villa Formosa, and Gallegos. A deserter came in yesterday, who states that Lord Wellington was in this last village.

"Accept, Sir, a fresh assurance of the respectful devotedness, with which I have the honour to be, your Highness's most humble and obedient servant,

"The Marshal Prince of ESSLING, Commander in Chief of the Army of Portugal, MASSENA."

* Ciudad, we suppose.

HOLLAND.

(From the *Moniteur* of *Amsterdam*, the title of the Dutch Paper now published, instead of the *Royal Courant*.)

AMSTERDAM, JULY 15.—His Serene Highness the Duke of Placentia, *General Stadholder* of the Emperor, arrived the day before yesterday at Alphen; and early yesterday morning the whole garrison of the new united nations, as well as the armed citizens of this city, were drawn up under arms on each side of the road, along which his Serene Highness was to pass to the Palace. A commission from the Council of State, consisting of M. M. Cuypers and Van Inen Knephausen, was appointed to wait on his Serene Highness on his arrival at Amsterdam, while the Governor of the City, the Burgomaster, Magistrates, and Secretaries, met his Royal Highness at the Inn of Bramenberg, on the Overtoom road, where they *had the honour of complimenting* his Serene Highness. His Highness then rode between the ranks of the military and armed citizens, accompanied by the Marshal Duke of Reggio, and the General Count Bergarduin, and a splendid retinue, to the city, where they were received with salvoes of artillery from the walls and from the ships in the road. The procession then passed amid an innumerable concourse of people, and acclamations of "*Long live the Emperor*," to the Palace, where his Highness alighted, and was received by the Ministers in a body, and complimented by all the high constituted Colleges, all the officers of the land and sea service, who were present, were at the same time presented to his Serene Highness.

GERMANY.

VIENNA, JUNE 27.—The Russian army has obtained a great victory over the Turks, on the right bank of the Danube, near Silistria. The Grand Vizier has repassed Mount Hemus, and fallen back to Adrianople. The surrender of Silistria was most probably the cause of this movement.

PROVINCIAL INTELLIGENCE.

SALISBURY, JULY 15.—The distress in this place is extreme, it being with the greatest difficulty provisions can be procured here, as we have nothing apparently in circulation but the paper of the place, which is no longer current. On Saturday night numbers of women and children were seen in a deplorable condition, from the unfortunate pressure under which we at present labour. It is hoped that some means will be immediately taken to remedy the evil.

An extraordinary circumstance occurred last week on a farm in the neighbourhood of Llanelly:—A young girl, accompanied by her brother, driving some cows into the field from milking, was attacked by a bull, thrown down, and trampled upon; the boy, anxious for his sister's safety, picked up a sharp stone, which he threw at the animal, and striking him betwixt his eyes, he fell dead instantly, the stone being literally buried in the skull.

The liberation of Sir Francis Burdett was a circumstance eagerly looked for throughout the country, and at no place was the feeling more manifested than at Melbourne, Derbyshire. The day was ushered in by ringing of bells, and about one o'clock, great numbers of both sexes, wearing Sir Francis Burdett's favours, assembled in an open space before the church with a band of music, and flags and streamers belonging to the Benefit Societies.—There forming themselves into three divisions, the whole proceeded through all the streets of Melbourne, and afterwards of King's Newton, back to Melbourne. About three o'clock they returned through the principal street to five inns, at which excellent dinners were provided for 170 persons. About five o'clock, another scene, equally interesting, presented itself: in various parts of the town groups of females, from 20 to 90 in a party, enjoying themselves over tea, cakes, and ale. Four hundred females thus contributed their charms to heighten the scene. One general feeling animated every mind, and social order, peace, tranquillity, and glee, eminently marked this distinguished day.

TUESDAY'S LONDON GAZETTE.

BANKRUPTS.

C. C. Watson, Fenchurch-street, wine-merchant.
N. Butcher, St. Martin's-le-Grand, victualler.
J. and E. Wilcocks and A. Frazer, Exeter, bankers.
W. Reed, Drury-lane, apothecary.
S. and T. Mingay and P. Nott, Smithfield, bankers.
E. and G. M. Jukes and J. Langley, Gosport, bankers.
B. Brown, jun. Battle-bridge, painter.
John Bull, King's Langley, Hertfordshire, carpenter.
B. Stroud, Poole, linen-draper.
J. Bartlett, Colyton, Devonshire, bag-maker.
T. Thurl, Deal, brewer.
M. L. Moxeley, Liverpool, merchant.
J. Harris, Portsea, dealer.
W. Faulding, Kingston-upon-Hull, grocer.
L. and W. Sharples, Walton-le-Dale, cotton-manufacturer.

SATURDAY'S LONDON GAZETTE.

BANKRUPTCIES SUPERSEDED.

T. Barlow, Strand, mercer and tailor.
W. Herbert, jun. Llanidloes, Montgomeryshire, draper.
R. Sibbald, Lower East Smithfield, slopseller.
G. Wake, Morpeth, brewer.

BANKRUPTS.

J. Longhurst, Kensington-lane, victualler.
L. Corbet, Cheltenham, Gloucestershire, shopkeeper.
C. Rook, Southampton, druggist.
J. Simpson, New Malton, Yorkshire, butter and bacon-factor.
T. Laycock, New Malton, Yorkshire, stone-mason.
J. Weekes, Sidbury, Devonshire, tanner.
J. Fox, Coleman-street-buildings, merchant.
A. Sutcliffe, Lane End, Yorkshire, cotton-manufacturer.
W. Sweet, Exeter, serge-maker.
J. Mapleton, Bath, cabinet-maker.
R. Marris, Great Grimsby, Lincolnshire, grocer.
J. Bennett, Tavistock, mercer.
W. Luke, and Co., West Smithfield, linen-drapers.
S. Wilson, Westmoreland-place, merchant.
J. Knott, Margate, shoemaker.
W. Harrison, and Co., Tower-street, merchants.
J. F. and W. Harrison, Totnes Union Bank, bankers.
T. Ward, Cheapside, haberdasher.
J. H. Knibbs, Lime street-square, insurance-broker.
H. Young, King's Arms, George-street, Brick-lane, victualler.
R. Steriker, Epsom, innkeeper.
H. and M. Watson, Newcastle-upon-Tyne, grocers.
R. Wilton, Bishopsgate-street-within, merchant.

PRICE OF STOCKS ON SATURDAY.

3 per cent. Cons.....68 | Omnium..... 1¼ dis.

It was expected that Mr. COBBETT, in his *Register* of yesterday, would have made some very necessary explanations, particularly with regard to the credited Rumour of his having endeavoured to make a Compromise with Ministers. As he says not a word however on the subject, the *Examiner* waits another week, to see whether or not he intends to give any explanation at all; and the promised REMARKS ON HIS LATE CONDUCT are therefore postponed to this day fortnight.

"A DISSENTER UPON PRINCIPLE,"—"F.,"—"A DISSENTER,"—and other Communications,—in our next.

THE EXAMINER.

LONDON, JULY 22.

THE French Minister, in what he calls a "Report to the Emperor," that is to say, in a paper drawn up after taking orders from his master, proposed on the 9th inst. the incorporation of Holland with France. His reasons for this proceeding furnish an exquisite specimen of political profligacy. A part of Holland was, sometime ago, forcibly united with France, and *because* this union took place, he tells us in an indifferent tone, that the independence of Holland was destroyed, and that she must of necessity become an integral part of the Empire. Not a word, not a jot of concern, about his master's *guarantees*. The Dutch commerce, he *informs* BONAPARTE, is entirely cut off; the debt is described as truly grievous; and the people are said to be "groaning under the weight of 23 distinct descriptions of contribution." On all these convincing and conscientious grounds, the Minister amiably requests his master to put the Dutch out of their "agony," and after throwing a passing sarcasm at the young Louis, Duke of Bare, who is said to have "no occasion for any new establishment," concludes with the sketch of a Decree for the occasion. This Decree has, of course, been adopted; Holland, as was expected, has been declared an integral part of the Empire; and the occupation of Amsterdam by the French troops was followed on the 13th instant, by the public entry of the Duke of PLACENTIA (LEBRUN), who is to preside in the government as Stadtholder till January.—Such is the political monster Expediency, which usurps the throne of Justice and Common

Right,—which formerly accustomed Europe to corruption, then helped to produce her downfall, and is now punishing her tyrannies by a new tyranny. After the partition of Poland,—the seizure of Spain,—and the logical annihilation of Holland,—one would think that future Courts would take care how they produced an universal degeneracy in politics, and grow a little more attached to truth and disinterestedness. But it is the fate of Princes to receive the best educations, and to make the worst use of them.

☞

No advices have yet been received by Government of the fall of Ciudad Rodrigo, nor any later intelligence from Lisbon than the 7th. There was a report last night that a schooner had been spoken in the Chops of the Channel, and that she had accounts on board, mentioning that the British army was on its retreat towards the coast; and that the merchants and others, inhabitants of Lisbon, were shipping themselves and their property on board the vessels in the harbour with the utmost precipitation.—*Courier, July 21.*

The belief that Ministers are in possession of the fact, that Ciudad Rodrigo has surrendered, is very generally prevalent. For the concealment of this event it is difficult to suggest an adequate reason. The depression of the public mind under the pecuniary embarrassments of the mercantile world, would not be increased by the knowledge of an event, believed by almost every one to be inevitable.—The hopes of the public are attempted to be supported by an assurance, that Lord Wellington, if unfortunately he shall be constrained to evacuate Portugal, will effect a diversion in some other quarter of the Peninsula. This will certainly protract the contest and annoy the enemy, but it will not prevent him from establishing the government of King Joseph throughout the whole of Portugal and the northern provinces of Spain, cut off, as they must then be, from all communication with the South. It is certainly to be apprehended, that the same system, which has subdued resistance in Navarre, Biscay, and Castile, will be successful in Portugal, Gallicia, and Leon.—*Alfred.*

We lament to hear that the accounts from Madras are extremely unfavourable. The disputes between the Government and the army are by no means settled. The trial of Colonel Bell was carried on with much exasperation—and the Court gave a specific verdict, substantially acquitting him of the main charge. This was not acquiesced in, and the Court was called upon to reconsider their sentence. Thirteen trials, in all, have taken place, and we hear that the discontent has not materially abated.—*Chronicle.*

At the settlement of the Consols account, on Friday, several defaulters were declared—and yesterday morning many others, who had not declared their inability on Friday, were unable to make good their differences. So great a number of Ducks have not been issued since the year 1792. Such was the general doubt during the whole of the morning, that Omnium was literally without a price. The greatest deficiency in the Alley, is said to be produced by the unsettled differences of a speculating Bank Clerk. We always understood, that, "Jobbing," or being as "a Broker," is strictly forbidden by the Directors, to any person in the employment of the Bank of England.—*Alfred.*

A war between France and America seems unavoidable. By the Official Correspondence recently published, it appears that there are three distinct grounds of complaint on the part of the Americans, as detailed by their Ambassador at Paris, General Armstrong:—First, the Americans are allowed, and even invited, to traffic with Spain, Naples, and the States dependant upon France; and then, without the slightest notice, all their vessels in the Continental harbours are seized, the cargoes are sold, and the proceeds given to Bonaparte and Murat; and this, though the produce seized is acknowledged to be American and not English.—It requires some new name to designate this act: Piracy will not do, nor will the more term robbery suffice: it is a non-descript kind of public iniquity. The justification given of it by Champagny is, that it was a reprisal upon America for her Non-intercourse Laws. But herein consists the absurdity of this reply, that the vessels were seized in February and March last; whereas, Bonaparte had known of the Non-intercourse law nine months before, and had apparently approved of it.—The next injury is the seizure of the American ship Hero, driven by stress of weather into the Texel; and being specially freighted by her Government with a national remittance in goods, for the payment of Dutch Stockholders in the American Funds.—The last complaint is, that a number of American vessels, whose crews amounted to three hundred men, having traded to Naples, under a promise of protection from the king Murat, and sailing directly from America, had been seized and sold, and the proceeds paid into the fisc, or treasury.—The Correspondence contains no answer to these two last complaints; nor is it of much consequence, if M. Champagny's ingenuity can supply no better a palliation than it has devised in the case which precedes them.

The number of Country Bankers, it appears, are *seven hundred and seven!* one hundred and thirty-four of whom draw upon the following Houses, viz. 44 upon Esdaile and Co.—87 upon Down, Thornton, and Co.—32 upon Roberts and Co.—21 upon Coutts and Co.

The Irish Government have come to a determination to afford a considerable pecuniary assistance to the traders and manufacturers of Dublin.

Among the list of bankrupts in Tuesday's night's Gazette, we were sorry to see that once *solid* commercial character—"John Bull."

On Friday, the Ecclesiastical Court pronounced a sentence of divorce in the case of Mr. Thornton, whose lady had committed adultery with a barrister of the name of Wesonve.—The facts have been before the public.—The Court also pronounced a sentence of separation between Sir Jonathan and Lady Betsy Miers, in consequence of a suit having been promoted by the lady against her husband, for cruelty and adultery.—The Judge ordered Lady Miers to be allowed 150*l.* per annum, until the question of alimony was decided.

On Friday morning, about five o'clock, a tremendous fire broke out in the premises of Mr. Bacon, printer, in

Took's-court, Chancery-lane. The flames raged vehemently for an hour before any water could be procured, and inevitable destruction seemed to await many of the adjoining houses. The fire was communicated to several houses in the neighbourhood, by means of many very large flakes which were carried some distance by the violence of the wind—timely aid and assistance, however, prevented any very material damage. The printing-office, which is detached from the house, escaped without much injury, but the warehouse and other offices are now one heap of ruins. Mrs. Paris, to avoid the flames, was compelled to leap out of the first floor window, by which she was much bruised, and an apprentice has been violently scorched in the face and hands. It is feared that an elderly lady, a lodger, has fallen a victim to the flames, as she is missing.

A Gentleman of the name of Hawkes, of Newport, in Shropshire, who has for many years studied the theory and practice of music, has recently made a practical improvement of the musical scale for the Organ and Piano-Forte, which produces a more perfect and delightful harmony, to a greater extent of modulation, than is in the capacity of the present scale in keyed instruments to do. This improvement was evidently conspicuous and convincing to those accomplished musicians, Mr. Clementi and Mr. Saxton, after their hearing those excellent performers, Mr. Samuel Wesley and Mr. Novello, play on Mr. Hawkes's Patent Organ, with ten stops, on Thursday se'nnight, at Mr. Elliot's, several celebrated fugues of Sebastian Bach's, and other pieces of his music, adapted for three hands: Mr. Shaw, leader of the band at Drury-lane Theatre, and other musical Gentlemen, were present, all of whom expressed their entire approbation of the Organ, and the principles upon which it was contrived and invented.—The Organ is perhaps the noblest of instruments, and such an improvement must be highly acceptable to the musical world, particularly to the lovers of church music.

The following Correspondence has passed between two Gentlemen of the Westminster Committee and Sir Francis Burdett:—

"*Crown and Anchor Tavern, Strand, July* 18.

"Sir—The Electors of Westminster having expressed an anxious desire to commemorate your liberation from the Tower, a Meeting was held at this place on Monday last, when it was resolved to have a public dinner on that occasion, and Stewards were accordingly appointed. In consequence of a wish, universally expressed, that you would honour them with your company, the Stewards, at their first meeting, have desired us respectfully to solicit your attendance on that day, the 31st instant. We remain, Sir, your obedient humble Servants,

"Robert Hutchinson,
"George Puller.

"*Sir F. Burdett, Bart. M. P.*"

"*Piccadilly, July* 19, 1810.

"Gentlemen—The Electors of Westminster do me great honour by their invitation, which they have sent to me through your hands, and I receive it with great pleasure; at all times and in all places, whether their Representative or not, I shall always be found ready to do them any reasonable service, in Parliament or out. To yourselves, Gentlemen, whom I well and personally know, I beg to return my best thanks, and I hope we shall spend a pleasant day together, on the 31st of this inst. July, unless the Commander in Chief, and a Secretary of State, should draw out a numerous army, with a train of artillery, to declare war in our streets against Roast Beef. I remain, Gentlemen, your obedient and very humble servant,

"Francis Burdett."

"*Mr. George Puller and Mr. R. Hutchinson.*"

PRIVILEGE OF PARLIAMENT.

TO THE EDITOR OF THE EXAMINER.

Sir,—Happening to look into a periodical publication of 1764, I was struck with the following Paper, which seemed to me so applicable to the present period, that I determined on transcribing it for the use of the *Examiner*. Should you think it worth insertion, I may perhaps trouble you with something else on the same subject.—Your constant reader, M.

Worcham, July 9, 1810.

"The people of England are a brave and sensible people, and as such must be always solicitous about the Constitution of their country; yet they are in general too apprehensive of designs from the Crown, and *too inattentive to any attacks* which may be made from the *other estates* which compose the legislative authority of the kingdom; as if it was a matter of much difference from *what quarter* they were oppressed, or signified a single sixpence whether the Crown or their own *representatives* trod them into slaves!

"Towards the conclusion of King Charles II.'s reign, though the House of Commons was extremely solicitous to preserve the subject from being imprisoned in an arbitary manner by the Crown, yet the members of that assembly *assumed a right* of sending whoever they pleased to prison themselves; as if *the laws of the land* could invest them with privileges in their legislative capacity, which were not trusted in the hands of their King.—The Lords too *usurped* the same right of infringing upon the liberties of the subject, and pleaded *privileges of their House, to violate the laws of their country.*

"In the year 1676, the celebrated Earl of Shaftesbury was committed to the Tower for transgressing the privileges of the Lords, and brought his Habeas Corpus in the Court of King's Bench, insisting, that the privileges of either House were by no means to be set into a competition with the laws of the land; but notwithstanding his Lordship had both law and justice on his side, *the dignified wretches* who then sat in that Court remanded him back to prison, pretending, as he was committed by an order of the House of Peers, the matter did not properly come within their cognizance.

"Lord Shaftesbury's Speech upon this occasion is in every body's hands; but a Letter of his to a particular friend, on the same circumstance, is I fancy very little, if at all, known; and as a Copy of it has been lately put into my hands, I here submit it to the perusal of my readers.

"My dear Lord,

"I suppose you concur very heartily with me in despising the worthy set of Gentlemen who preside in the King's Bench; they are indeed truly contemptible, and either know nothing of common honesty, or very little of common law. They could not meddle in my affair, they gravely insinuated, for fear of offending the privileges of Parliament! Pray what are these privileges? Can there be any privileges superior to the law of the land? Or, can the Parliament, which is appointed for no other purpose but to defend the Constitution, claim a right for the very appointment to violate the Constitution, in the tenderest point, whenever they please?

"If we examine the end for which the privileges of Parliament were originally granted, we shall find *that they were granted to prevent the Members of both Houses from being obstructed* in the necessary business of the kingdom, and to hinder any impediment in their private affairs from proving prejudicial to the interest of the public. Privileges could never be allowed, surely, with a view of oppressing the subject; nor could it ever be supposed that the CONSTITUTION *would think of investing any set of men with privileges that must inevitably tend to the destruction of itself, and annihilate the very laws which it designed to support and defend*: to make use of such an argument would be weak; to believe it, absolutely ridiculous.

"There are two things, my dear Lord, which the people should always carefully guard against; and these are, the arbitrary views of the Crown,—and the aristocratical machinations of the Parliament. The whole kingdom would be in a flame and justly, if *the King* pretended a privilege of trampling on the laws and imprisoning the subject at pleasure; yet how is the action less justifiable in him than in either House of Parliament? Power is a natural wish in the mind of men, and if any one branch of the legislature is suffered to make an arbitary exercise of it, the desire will undoubtedly increase with the means, and those who now plead their *pleasure* as a right to dispose of *our persons*, will in a little time look upon the same pleasure as a sufficient reason to dispose of *our lives*. In short, 'TIS MUCH BETTER TO LIVE UNDER A DESPOTIC PRINCE, THAN UNDER A DESPOTIC PARLIAMENT; for in the latter case we have *a thousand tyrants* to kneel to, whereas in the former we should have but one!

"Upon the whole, my dear Lord, my treatment will be an indelible stain to the British annals; and pity it is that our Constitution did not retain some power of punishing those members of Parliament in a most exemplary manner, who should insolently set their wills against the judgment of our laws, and claim a privilege to enslave their fellow-subjects at every turn of whimsey or caprice. The meanest man in the kingdom that is not a servant to either House is *not bound* in duty to obey the order of it; for as he can be confined by nothing but the laws, and as the laws must be enacted by the joint concurrence of the three estates, there can consequently be no obligatory power resulting from the private resolution of any one.—I am, my dear Lord, &c. &c. SHAFTESBURY."

SELECT VESTRIES.

SIR,—Permit me to use a corner of your paper in noticing a paragraph in your last respecting the Parish of St. Luke, Old-street. The writer of that paragraph is perfectly correct in saying the Parish were dissatisfied with the late Select Vestry, but he is as completely in the wrong in saying they have now an Open Vestry, and that in consequence certain very important regulations and savings have taken place. I would only say, Sir, the Vestry of St. Luke is not an open one; that the persons who obtained signatures to the Petition for the Act under which the present arrangement were made, have not redeemed one pledge they gave to the Parish, nor effected one of the benefits by them so largely and so loudly held forth; instead of our taxes, in that part of the Parish around me, being diminished, I can and do say, they are increased at least from 15*s.* to 1*l.*—So much for Parochial Reformers.—I am, Sir, yours, &c.

A PARISHIONER OF ST. LUKE'S.

ECCLESIASTICAL WAYS AND MEANS.

MR. EDITOR,—Having read an account in your Paper of the plan adopted by Churches, and especially by an inferior Dissenting Meeting-house, as it was termed, for procuring pecuniary aid, which in the prosecution of any establishment is absolutely necessary, I should very much like to know, from your Correspondent, what course ought to be taken, to gain that pecuniary assistance for maintaining our Churches (which are as bulwarks to our land) as the present system of management is held up to ridicule by your Correspondent. J. W.

JOANNA SOUTHCOTT.

TO THE EDITOR OF THE EXAMINER.

SIR,—A Letter signed PHILO-VERAX having appeared in your Journal of the 8th July, wherein the basest of motives are attached to the best of intentions, I am induced to trouble you a second time upon that most unseemly of subjects, Joanna Southcott.

I shall soon pass over Mr. Philo-Verax, who has taken much more pains, Sir, to point out the duties of your office as *Examiner*, than he has established the *beauties* or *proprieties* of the doctrines of Joanna Southcott. In fact, the substance of his letter may be summed up in these words:—"*buzzing insect, scurrility, palpable l—r, malignity of heart, stinging-nettle, and nettleship.*" Now if any of your readers can discover, by *analogy*, (as the Attorney-General says), any connection between the above phrases and the subject in dispute, I shall willingly forfeit all future pretensions to a corner in the *Examiner*; which would be no small punishment to me. He has indeed asserted that the *Passports to Heaven!* are not sold; but although they are not now *specifically* purchased, they are paid for *virtually*, —i. e. you *pay* for admission as a member, and are then made a present of the seal. What hypocrisy is this! How much to be admired in Philo-Verax,—a Lover of Truth.

But as Joanna Southcott is to stand or fall by her prophecies, and not by her followers, it is fit she should speak for herself. She tells us, that she was desired to write unintelligibly, to "try the heads of the learned;" this she has accomplished to admiration. She then states that she was visited by the Lord in 1792, who promised to enter into an everlasting covenant (impious wretch) with her, and was told that a vision should be shewn to her at night. "I went to bed" (says this ignorant demon) "but dreamt *nothing*. *It* was answered" (meaning I suppose what she did not dream)—'The night is far spent; the day is at hand; lay thee down to sleep again.' "I was restless and uneasy, and did not believe the Lord had said it, and thought it was the Devil to deceive me, and continued restless until three to past five. I then fell asleep, and dreamed I had *something* in my hand; I let it fall, and it turned into a cup, and whirled up and down the room. At last it turned into a cat, which I kicked to pieces; and grew angry in my dream, and said, 'Satan, this is thy miracles; this is the way thou deceivest the world, by whirling them in empty

air, that neither touch top nor bottom!' When I awoke I was grieved, and afraid I had sinned in going to sleep; but I was answered, it was the Lord's permission to shew I might see Satan's miracles, how he deceived the world."

Shortly after this, she gives an account of her triumph over a host of Methodist Preachers, who endeavoured to prove that her prophecies came from the Devil. The following is a *poetic* effusion on the occasion, dictated by Joanna's spirit:—

"If they believe that hell below,
Such language e'er can speak;
But back their footsteps all will trace,
And marvel what they've done;
And wonder that they could not go,
In things that were *so plain*."

The above quotations may be relied upon as an impartial specimen of the whole of Joanna's *prophecies*; which, it seems, are written "so plain," that they are designed for no other purpose than to "try the heads of the learned."

It would be a mockery of every thing reasonable, Mr. Examiner, to engross any more of your paper with either extracts or remarks at all connected with the subject. I cannot however conclude without expressing my firm conviction, that the admirers of blasphemy and Joanna Southcott subject themselves either to the imputation of *sinister* views, or imbecility of intellect; in the event of the latter, the poet affords them some consolation, when he asserts that

"Men may *live* fools, but fools they cannot *die*."

But should "worldly motives" actuate their conduct, they forfeit all claims to pity, and become objects of contempt and indignation. That they may live to repent of their hypocrisy, and that Joanna Southcott's spirit may cease to dictate, or, in other words, that her trash may no longer find purchasers, is the ardent wish of,—yours, &c.

PHILO-RELIGIO.

P. S.—Another letter having appeared on the above subject, subsequent to the foregoing remarks being sent for insertion, I have to add, that "A BELIEVER" has much misrepresented my former assertions and my real motives. In reference to what he supposes I have been *told*, I can assure him I have *read* Joanna's works, and venture to judge for myself; that I have also *read* the 3d chapter of Genesis and 20th of Revelations, and am still so pertinacious as to assert that Joanna is no *prophet*, and that "A Believer" is no *wizard*: that I have *not* been told that the Messiah was not a God of Truth; but I am convinced that he is not only a God of Truth, but of too much wisdom to dictate the wild vagaries which are *impiously* ascribed to his inspiration in Joanna works; that so far from regarding the Bible as blasphemous, I have the highest veneration for it, and regret to see it blended with such infamous, absurd, and ignorant, dreams and incoherent conceits, with which Joanna's productions abound. The remainder of "A Believer's" letter contains nothing further than a recital of long-acknowledged Christian truths, which were not attempted to be disputed; and I shall decline any further remarks upon the subject, until the period when "A Believer," and his sapient brother-Believers, can prove what they assert, "That Joanna Southcott is the woman spoken of in the 12th chapter of Revelations; *clothed with the sun; the moon at her feet; and a crown of twelve stars upon her head!*" Do we really live in the 19th century?

FINE ARTS.

SUGGESTIONS ON THE BEST MODE OF ENCOURAGING HISTORY PAINTING IN ENGLAND.

When we consider the mercantile, moral, and intellectual advantages to be derived from an enlarged protection of Historic Art, the low ebb to which it is reduced in this country is to be deplored by the tasteful and the patriotic. The causes of this depression are the prejudice that exists in the almost exclusive attachment to the old masters; the inefficiency of the Royal Academy for the cultivation of the higher branches of Art; the want of a National Gallery; and, above all, the indifference of Government to the Arts. The first cause is evident; from the numerous private collections of the old masters, and the frequent and expensive sale of their pictures, while our best native History Painters scarcely ever receive an order. This latter circumstance, and the dearth of History Paintings in the annual Exhibitions, are melancholy proofs of the inadequacy of the Royal Academy of Arts to the furtherance of the chief object of its establishment. The almost entire absence of History Painting from the public eye is a main cause of the indifference of the public to it. To have a true relish for and properly to encourage the Arts, the public must be accustomed to have its best performances constantly before them. This was the cause of the universal taste for and high encouragement of the Arts in Greece and Italy. Their public edifices were adorned by the munificence of their governments, their princes, and other patrons, with the sculptures and paintings of their most illustrious artists, who also exhibited their works to admiring multitudes assembled at the Olympic Games.—What a nobly patriotic example would the Governors of the British Institution present, were those among them who have collections to give a picture each to the formation of a Public Gallery, to which every one might gratuitously resort at all times. Such a generous gift would indeed consummate the character which they have in some degree attained to of public patrons, and infuse a taste into the public mind for elevated Art. But it may be objected, that however general the attachment to Art may be, the encouragement of it would be very partial, as the pressure of the Income and other Taxes would preclude all but the wealthy from gratifying their desire to promote it. Individuals certainly would not, but what could not be effected by the scanty incomes of individuals, would be accomplished by their united subscriptions; and it cannot for a moment be doubted, that a general diffusion of taste for Historic Painting would be attended with the most benign effects. A consummation so devoutly to be wished, can be attained only by the combined means of the possessors of valuable collections, and the still more effectual aid of Government, applied nearly in the way judiciously proposed by Mr. SAMS in his excellent Letter to the President and Directors of the British Institution, or perhaps by PHILOTECHNUS, in his Letter to that Gentleman. The former proposes that Government should apply only 5000*l.* annually, to be distributed every third year in rewards for the best performances; the pictures to be the property of the nation, and to be presented to public bodies. This is a good plan. PHILOTECHNUS proposes to remodel the Royal Academy of Arts, after removing it to a more eligible situation: that the regulations of the Society be vested in a body of Noblemen and Gentlemen; the

Archbishops, Lord Chancellor, and Speaker of the House of Commons, to be Members. A President to be elected every 7th year. An assisting Committee of Artists to consist of a Chairman, and the same number of Royal Academicians and Associates as at present. Four Professorships to be established for Historical Paintings, with salaries of 400l. a year each; and nine Studentships, with salaries of 200l. a-year each, for ten years; to be filled from those who have obtained a gold medal. Three Studentships for History Painting, three for Statuary, and three for Architecture. He assigns very satisfactory reasons for remodelling the Academy, but not for his Plan in general: he says that the present space and situation are incompetent to the promotion of the views of the Society, whether we consider the want of room for the studies of the Artist, or for the purposes of exhibition. By placing the direction under such distinguished Trustees, the Arts will find themselves represented in the great Council of the Nation. Professorships of Historical Painting are recommended, because there are no other means of support so certain of good, and so little liable to abuse. The candidates would necessarily have arrived at a time of life when habits of industry had become fixed: the example of the past would be the nation's security for future exertion, and the situation would not become a refuge for listless imbecility. For the salary and other advantages nothing should be stipulated in return: they should be the reward of talent and perseverance, and a retaining fee from their country; that should she call for their services to decorate her temples, her courts, or her palaces, she might proudly boast her independence of foreign aid. The foundation of Studentships would enable the aspiring young Artist to live genteely, till he arrived at such a proficiency as to bring his works into repute. The whole expence would not exceed 3400l. namely,

Four Professorships of Historical Painting, 400l. a-year each	£1600 0
Nine Studentships, 200l. a-year each	1800 0
	£3400 0

The advantage of this Plan is its affording the promising Student comfortable support till his abilities are sufficiently matured to effect it, or till he obtains the rank of Royal Academician, when he may become a candidate for a Professorship, and by its providing a certainty for the veteran Artist. On the whole, however, I think that Mr. Shee's Plan is most eligible. Limited to the distribution of premiums, it does not at first view appear so advantageous as that of Philotechnes, which secures the support of the youthful and matured Artist; but still it holds out the *certainty* of reward to the able Artist, by the distribution of large prizes, sufficient, with what else he would privately obtain, for the respectable support of the able Artist, both in the first and secondary departments of excellence. Philotechnes offers no superior advantage to this, while he superadds to it the temptation to indolence, to which poor human nature is so prone; for few minds are braced to that activity which embraces voluntary labour. The interference of Government in the direction of the Establishment would be also deleterious to Art, by rendering it subservient to party and political purposes. Government may render the Arts invaluable service by opening to them the public purse; but beyond this, its connection with them is to be deprecated as pernicious. Were a Reform even to take place, the public Administration purified, and Artists, Amateurs, and the Public reposed more confidence in the disinterestedness and public spirit of public servants, still their immediate direction of the Arts would not only be superfluous, as they could be superintended as well, if not better, without them; but the preponderance of partiality and power would be too great in the hands of men possessed of the mighty influence of public stations, and the other members of the Establishment would be rendered little more than cyphers. A Reform in Parliament would no doubt effect much for the Arts, as a Ministry would not have then to squander thousands on lazy minions, instead, among other useful purposes, of granting a few to assist the elegant industry of British Artists, to raise that national character which Ministers have depressed. But let us hope that no political Administration whatever may have any direct controul over the liberal Arts. The air they respire must be free to be vital; the hands they wield must be unshackled to produce that beautiful and sublime in Art which delights, refines, and exalts the mind.

R. H.

ACCOUNT OF MR. SCHIAVONETTI.

TO THE EDITOR OF THE EXAMINER.

I beg to inform you, that as far as my name, generally speaking, is made use of in the Biography published in your Paper, of Mr. L. Schiavonetti, it is erroneous; and the Author of that Sketch has written it under misinformation, which I am preparing a Statement to prove; but as for that purpose a reference to papers and letters has been necessary, which have passed between me and the parties more than 20 years ago, you may easily imagine that it was not to be accomplished without occupying some time, which is almost unceasingly engaged in my business. Therefore I entreat your readers to suspend forming their opinion on Mr. Cromek's Remarks, till they have read my Statement, which I shall beg you to insert as soon as possible.

I remain, Sir, your obliged humble servant,

12*th July*, 1810. G. Testolini.

LAW.

COURT OF KING's BENCH.

Tuesday, July 17.

LOVELL *v.* WALLER.

This was an action brought by the plaintiff, the proprietor of the *Statesman*, against the defendant, a newsman, to recover damages for the defendant's having substituted another paper (the *Alfred*) instead of the plaintiff's, although he received the order for the plaintiff's.

The case was fully made out by evidence, and the Jury gave a verdict for the plaintiff—Damages, 1*s.* and 40*s.* costs.

Thursday, July 19.

SMITH *v.* STODDART.

This was an action brought by —— Smith, a widow, against the defendant, a couch-maker, for a breach of promise of marriage.

The defendant had known the late husband of the plaintiff, who kept a linen-draper's shop in Oxford-street. Mr. Stoddard admired the lady in the life-time of her husband, but "*never told his love.*" On the death of Mr. Smith a fair opportunity offered of succeeding him, and it was improved in due form. The mode which Mr. Stoddard adopted to make his passion intelligible to the widow was rather curious, and was quite as fit to try the widow's temper as to prove his passion. After repeated oglings at her shop-widow, he had ventured into the shop. Still the name of love was too solemn to be suffered to escape the lips of this timid admirer. But he purchased several pieces of linen at different times, and had an opportunity of in-

dulging himself with a few passing glances, and a few curtory words at each purchase." This expedient was very well for a while, but he found it rather expensive, and adopted the ingenious device of sending back each piece in succession, and thus making each the subject of two dialogues.

The lady's patience bore this out for some time, but at length the novelty of the manœuvre was worn off, and she insisted upon Mr. Stoddard's coming to something of a clearer mode of expression. "*On this hint he spake.*" threw off his *mauvaise honte*, and declared himself her admirer in form. After a variety of arrangements for the wedding-day, the lover grew once more cold and cautious, went down to Norwich, and stayed for some time. It was now near the commencement of the year 1809, Mrs. Smith's friends insisted that some steps should be taken to finish the affair, and the lover was once again ardent and amorous. The marriage was fixed on, and the families on both sides were in readiness for the bridal festivities, when Mr. Stoddard, suddenly struck with awe at the tremendous change which a single act was about to make in the whole arrangement of his history, suddenly drew back, and was not to be brought forward by the tears of Mrs. Smith, or even the wrath of her friends. The law was then called to do justice to the injured Mrs. Smith, and to punish the faint-heartedness of Mr. Stoddard.

Witnesses were about to be called to substantiate the case, when the action was compromised on an agreement to pay 200*l.* to the plaintiff.

Friday, July 20.

THE KING *v.* FINNERTY.

The defendant having withdrawn his plea of "Not Guilty," and thereby allowed judgment to go by default, the cause did not proceed.

THE KING *v.* JOHN GALE JONES.

The ATTORNEY-GENERAL stated the present prosecution to have been instituted for several scandalous and malicious libels, published by the defendant against Lord Castlereagh.—The defendant was the conductor of a certain Society, a Debating Society. The first libel was contained in the following placard:—

MR. FINNERTY AND LORD CASTLEREAGH!—BRITISH FORUM, No. 33, BEDFORD-STREET, COVENT-GARDEN, MONDAY, JAN. 29, 1810.

QUESTION—"Ought Lord Castlereagh's conduct towards Mr. Finnerty, during the late Expedition to Walcheren, to be approved as a salutary measure of precaution to preserve order and discipline among his Majesty's forces, or reprobated as a flagrant infringement upon the liberty of a British subject, and a cowardly act of oppression against an innocent individual?"

"The statement of Mr. Finnerty's treatment by Lord Castlereagh, as it appeared in the *Morning Chronicle* of Tuesday, the 23d instant, has been read with the most lively emotions, and has excited universal astonishment and alarm. Mr. Finnerty has appealed to "the good sense, liberality, and justice" of the British Nation, to give their decided opinion on the subject. So far as the British Forum can lend its aid towards collecting and proclaiming that opinion, neither his appeal nor that of any other persecuted or defenceless individual shall ever be made in vain! If the gentle Lord Castlereagh can muster sufficient confidence to venture into a public assembly of free and independent Englishmen, he may rest assured that he shall have fair play. There is nothing for which the Managers of this Institution more ardently long for than an opportunity of meeting his Lordship and his adherents face to face, and hearing them vindicate their character and conduct before an outraged and insulted Country."

The Jury would observe that this article was prefixed to a previous publication, which in the indictment was stated to be a gross libel. That this was so, he (the Attorney-General) could maintain without fear of contradiction, the libeller (Mr. Finnerty) having withdrawn his plea of not guilty, and having thus suffered judgment to go against him, thereby confessing the crime with which he was charged. It happened that when our expedition was about to sail to Walcheren, Government received information that a gentleman named Finnerty intended to accompany the expedition, and they were also informed, that it was unfit that Mr. Finnerty should so attend the expedition. The order to this effect was issued at a period too late to be executed previous to the sailing. When he arrived at Walcheren, however, Mr. F. was ordered home, though he remained there the greater part of the time our armies were in that quarter. In the letter referred to, Mr. Finnerty stated, that he knew the order came from Lord Castlereagh, of whom such an act was worthy. He expressed a doubt if any of his Majesty's other Ministers were concerned in it; but was confident, if the measure proceeded from Lord Castlereagh, it must have been owing to one or other of these two reasons: Either that he did not wish Mr. F. to be an observer of what was going on at Walcheren, because it could not bear a public disclosure, or, from a desire of affixing some illegal purpose to the conduct of Mr. Finnerty. If so, what could be the public opinion of his (Lord Castlereagh's) sense of liberality and justice? It had been the study of his life to deserve the hatred of Lord Castlereagh, and he had attained his object; but to remain longer silent under the obloquies cast upon him would be culpable indifference. Lord Castlereagh hated him because he had injured him. The letter of Mr. Finnerty then went on to detail the case of a person in Ireland of the name of Orr, who was said to have been executed under the government of Lord Castlereagh, while his innocence was apparent; thereby implying that Lord Castlereagh had been guilty of murder; that for a treatise on this subject, which appeared in an Irish paper called the *Press*, he (Finnerty) was tried and ordered to suffer imprisonment; that on the departure of Earl Camden, he was ordered to be liberated, but that this benevolent wish was rendered of non-effect by the interference of Lord Castlereagh. Although these acts are imputed to Lord Castlereagh, the order for removing Mr. Finnerty from Walcheren did not originate with Lord Castlereagh, but with others. Lord Castlereagh had no knowledge of the fact until he heard it at Deal, and after a report was made that the order had been ineffectual, and that Mr. Finnerty had been landed at Walcheren, he then (as was his duty to do) sent a similar order to Lord Chatham.—Gentlemen, with respect to all the proceedings which are stated to have taken place in Ireland, they took place in the year 1797, before Lord Castlereagh was Secretary of State; they took place under Lord Pelham. Whatever passed upon the subject of Mr. Orr, passed between my Lord Pelham and the then Lord Lieutenant of Ireland, Lord Camden, with which Lord Castlereagh had nothing to do. It is but justice, however, to the Government of Ireland, to state, that no case ever underwent a more serious and attentive consideration than that of Mr. William Orr.—The Learned Lord, and the Jury, would observe the authority which these Gentlemen of the British Forum claimed to themselves. They put Lord Castlereagh on trial, and they summoned him to attend for that purpose before the audience of the British Forum. They peremptorily summoned him to attend; informing him, at the same time, that he shall have fair play. In the second publication by the present defendant, on this subject, the libel was of a still more inflammatory nature. The following was the placard:—

ADJOURNED DEBATE.—TRIAL OF LORD CASTLEREAGH—BRITISH FORUM, No. 33, BEDFORD-STREET, COVENT-GARDEN, MONDAY, FEB. 5.

QUESTION—"Ought Lord Castlereagh's conduct towards Mr. Finnerty during the late Expedition to Walcheren, to be approved as a salutary measure of precaution to preserve order and discipline among his Majesty's forces, or reprobated as a flagrant infringement upon the liberty of a British subject, and a cowardly act of oppression against an innocent individual?"

"Last Monday, notwithstanding the mean and malignant attempts to stifle the discussion of the present important question by tearing down and defacing the bills, a crowded assembly (among whom were several Noblemen and Members of the House of Commons) attended, and after a very interesting debate the Opener was about to reply, when a Gentleman intimately and personally concerned entered the room, and having

pledged himself to attend on the next evening, and either open the debate or take a part in the discussion, the question was, with the consent of a large majority, adjourned. Several important and extraordinary disclosures will be made in the course of the evening, and Lord Castlereagh or his Adherents are peremptorily summoned to attend, and prevent, if possible, his character from being consigned to everlasting infamy and disgrace. The statement respecting the execution of Wm. Orr, in Ireland, under the administration of the Noble Lord, although incontestible evidence was laid before him proving his innocence, was read from Mr. Finnerty's letter, and excited in the audience visible emotions of horror and disgust. Early attendance is earnestly requested; it being an adjourned Question, any Gentleman will be at liberty to resume the debate."

Then followed a third publication—

"Last Monday, after two evening's discussion, a crouded assembly unanimously decided, that "Lord Castlereagh's conduct towards Mr. Finnerty ought to be reprobated, as a flagrant infringement upon the liberty of a British subject, and a cowardly act of oppression against an innocent individual."

"In consequence of Mr. Finnerty being detained at the House of Commons, he was unable to attend until late in the evening, when to the universal satisfaction of a most respectable audience, he entered the room, and delivered a most animated statement of the proceedings at Walcheren, and the conduct of Lord Castlereagh. It is unnecessary to add, that Mr. Finnerty experienced the most flattering and unequivocal proofs of public approbation, while on the contrary not a hand was held up in his Lordship's defence. Thus has been furnished a memorable and striking instance of the folly and inutility of attempting, at least in this country, to oppress and bear down an innocent individual; by this discussion virtue and independence have received their just and adequate reward, while pride and arrogance have been humbled to the dust! The Managers enjoy a heartfelt satisfaction in thus announcing the decision, and feel conscious they have done their duty."

Where were Lord Castlereagh and his colleagues thus summoned to attend?—Why, at the tribunal of the British Forum. The statement of the case of Orr was stated to be calculated to produce horror and disgust. This, the Attorney-General conceived, exceeded in atrocity all the libels which he had read of. These placards were, with the greatest sedulousness, posted at every corner of the streets, and the only object of them could be, to insinuate that Lord Castlereagh was guilty of all which these charges in Mr. Finnerty's letter imputed to him; that he had been summoned to attend at the tribunal of the British Forum; had there undergone a fair trial, and had been convicted of these offences. He was convinced his Lordship and the Jury would hear with indignation the nature of these charges. All who had heard him, he was satisfied, would feel indignation at this gross insult offered to that Court, and to the country, by this mock trial. His Lordship would tell the Jury, that all these publications were grossly libellous, and it would then be for the Jury simply to find the Defendant guilty, the sentence not lying with them. He concluded by stating, that the Defendant had expressed a desire to have Lord Castlereagh subpœnaed. His Lordship was in attendance.

Mr. Jones, in his maiden speech, addressed the Jury for the defendant. That the Jury might not entertain any idea that he felt a particular affection, or was otherwise interested in any uncommon degree for the defendant, he thought it but proper to state, that he did not stand towards the defendant in the relation of a brother or of any other near connection. The defendant, however, he knew to be a man of virtue, and every man of that description he should always be proud to reckon as his brother. It was only last night that the defendant had requested him to undertake his defence. The British Forum was a place where subjects were to be discussed, not one where error or improper conduct was attributed to any man without a fair discussion, how far it might be so attributed with justice. Lord Castlereagh, therefore, in having his conduct subjected to examination or discussion at the British Forum, was not more exposed to censure than he might have been entitled to praise and approbation. It was not any thing in the conduct of Lord Castlereagh, which, in the language of the advertisement, was said to have occasioned "astonishment and alarm;" it was the statement of Mr. Finnerty, which was clearly meant to have excited these feelings. It was said that this debate at the British Forum was something like a trial of Lord Castlereagh. To this he could not agree; it was, indeed, a trial of skill in argument, and at such schools, he could shew, if necessary, that some of the first men of the age had received the rudiments of that education which had conducted them to their future greatness. If there had been an Attorney General appointed to prosecute, and a person also named to conduct the defence, that might be said to be a trial, but here there was no such thing. It was also complained that the people were here said to have been outraged and insulted. Lord Castlereagh, it was to be observed, was not the most fortunate man in the world as to public opinion. If the defendant had been obliged to *sell seats* in his Forum at one shilling a piece, a practice which the Attorney General seemed not to think strictly honourable, some report as to the *selling of seats* of a *different description* had unfortunately got afloat, not highly creditable to Lord Castlereagh. That the public might, in this sense, be said to have their feelings outraged and insulted, he presumed to think, could not be supposed carrying the matter too far. At the time the defendant issued the placards in question, he was suffering as a prisoner within the four walls of his small room in Newgate. Lord Castlereagh had resigned his seat as a Cabinet Minister, and the unfortunate defendant had been obliged to resign his command as the head of the debates at the British Forum. Would it not, therefore, in such circumstances, have been more magnanimous in Lord Castlereagh to have overlooked the present attack, and not to have offered *the kick of an outraged ass against the head of an expiring lion?* The two parties, Mr. Finnerty and Lord Castlereagh, seemed to have old quarrels to adjust. Why did they not go to their own country to settle them? or, Why did they not go, not as enemies, but as friends, to Walcheren, where, like Don Quixote and Sancho Pancho, they would, *instead of windmills*, have had to encounter *plague, pestilence, and famine?* If Mr. Jones had not been delivered up by the cowardly shrinking of Mr. Finnerty and others, he would not have been here to-day; but they begun the business, and when they got him in, left him. As to the British Forum, the Attorney General had not treated it with unbecoming severity, and, therefore, he should say nothing about it. He begged leave, however, to repeat a few words which had been remarked to him, while at the University of Keil, in Holstein, in the North of Germany. His Learned Friend, Professor Olivarius, had on one occasion asked him what he thought was the grand cause why in Great Britain liberty flourished in so much greater perfection than in any other part of the world? He answered, in consequence of the liberty of the press. This the Professor denied, instancing the immense stamps with which the productions flowing from the press were loaded as a great drawback on the blessings which it was calculated to produce, together with the penalties which occasionally occur. He then mentioned Debating Societies as being one cause of this superior degree of liberty, to which the Professor assented, declaring that it was to this little Parliament, established, as it were, in the house of every Englishman, that we principally owed our liberties, and that so long as that system existed in Great Britain, its liberties must always remain secure. He conjured the Gentlemen of the Jury to weigh well their verdict. According as they judged would they be judged by the Judge of all men. The person who had been guilty of the original and only libel on Lord Castlereagh, had pleaded Guilty; the present defendant was conscious of no guilt; he entreated, therefore, that the Jury would not suffer the guilt of him who had acknowledged his crime, to fall on the defendant, who was unconscious of any offence.

Lord Ellenborough summed up at great length, commenting on the three publications with the utmost severity. His Lordship said, there certainly could be nothing more li-

bellous than to impute to a man in a high public office a gross abuse of his public functions to degrade and injure an individual. Alluding to the question debated, he asked, whether it was to be borne in a country, where people have any estimation of character, that it shall be allowed to any man to put in this alternative mode a question for the discussion of all mankind, whether a man has been guilty of a base and cowardly act of oppression, and to have that matter made the subject of debate by all persons who may chuse to pay a shilling for admittance? Was not this calumnious? "Put it to your own breasts," said his Lordship to the Jury,—"suppose a man to pick up an anecdote of your *private* conduct or of your social life, and should public it as a question whether you had been guilty of a base disregard of your duty to wife, to child, to friend, or any other person, and should make that a matter of discussion for all the careless people who might chuse to meet together,—can any thing be considered as more calumnious, more destructive of the peace of mind of the individual, or more mischievous to the public?"—His Lordship then observed upon the extravagant power assumed by this mock tribunal; first, there is to be fulminated against the person an attack upon his character by these unlicensed persons, assembled for the most *scandalous* and *penal* purpose, (for all persons assembled for that purpose constitute a disorderly assembly, and are *punishable* by law), and then the party is summoned to appear before this self-constituted and disorderly assembly!' This was a tyranny his Lordship had never before seen exercised in this free land. Similar things had been done in another country by an odious assembly called the Jacobin Society, where the overthrow of the monarchy and of all civilized order was planned. Was not this libellous? If it be not, let the name of libel be blotted out of our books.—"Gentlemen, you have been told by the Learned Advocate for the defendant, that a Professor whose name I have forgot, has said, that the great and characteristic blessing of this country was not that we had free laws or a Parliament of wisdom to make them, but that we had these sort of subordinate Parliaments—these Debating Societies. Upon my word, that Learned Professor has taken a very imperfect measure of the liberties of this country, or the means by which those liberties and laws are preserved. *I am*, in my station, *as much a friend to freedom of discussion* and to fair deliberation upon all subjects which it behoves the subject, for the preservation of his freedom, for the information of his mind, or for the performance of his duties, to discuss and deliberate upon, *as any man who ever sat in this place.* Unequal as I may be to my predecessors in other respects, in that I am equal to any of them, in having an ardent love for the constitutional liberties of my country. But I cannot conceive any thing so injurious to either, as to assist in giving effect to, or in suffering to go unpunished when they exist—those licentious attacks upon the happiness of individuals, and upon the security of the state. The freedom of the press is secured by allowing every man to publish, without the previous control of a licenser, that which in his judgment he shall think fit to communicate to the public; but he does it at his peril, being responsible to individuals whom he may injure, or to the public whose peace he may disturb. Subject to that responsibility, and to that risk, every man may publish what he pleases. No attempt has ever been made in the times in which I have had the happiness to live, upon the liberty so exercised in the first instance, by publishing without a licenser; but, if every man was to publish without the fear of punishment what his malice might suggest, or what his falsehood might direct to be said to the prejudice of another, no man would have his good fame, the most estimable blessing in life, in any degree of security.—Gentlemen,—in the discharge of my duty, I am required to give you my opinion upon this case. If I were to state a doubt, it would be to abandon one's understanding. I do with the most perfect confidence pronounce to you, that it is a most scandalous and infamous libel, and I have no doubt, that in the discharge of your duty you will come to the same conclusion, and will thereby be the means of resisting the evils by which we are surrounded and oppressed."

The Jury immediately pronounced the defendant—*Guilty.*

COURT OF COMMON PLEAS.

HEWLINGS v. GILLER.

This was an action to recover a compensation in damages for an assault and false imprisonment. The plaintiff is a straw hat manufacturer; the defendant the master of the Bald-faced Stag, on Finchley Common.

Mr. Serjeant Best observed, that the defendant had committed a most grievous injury towards the plaintiff, by imprisoning him in consequence of a demand made by the latter of a supper and a bed.

Mr. Ambrose Welchman stated, that he, in company with the plaintiff, who had dined with him at his house at Islington, on Sunday the 21st January last, went to Finchley, having provided themselves with guns, for the purpose of shooting snipes and field-fares. About eight o'clock they reached the defendant's inn with the intention of taking some supper and a bed. The defendant was then absent from home, and the servants told them they could have neither, for their master had left orders to be careful of whom they got into the house. They procured some brandy and water, however. About ten o'clock the defendant returned; the same request was repeated; they gave their names and descriptions, offered a 2*l.* note as security, but could not prevail on the defendant to allow them to remain, nor, (as it was a late hour of the night) to sit up by the fire. They were desired to quit the house; refusing to go, the defendant sent for the patrole, who took them, accompanied by several persons and the defendant, to the prison at Finchley. When they arrived there, the key could not be found, and they were marched back, a distance of two miles, in a very cold frost and snowy night, to the watch-house at Highgate, where they were charged by the defendant as being riotous, searched, their guns taken from them, and they were locked up in the cage where felons are confined; there was no bed in the place, nor was there any fire; nothing but some straw on the floor. In this place they remained till ten o'clock on the following morning, when they were removed from thence by the patrole to the public-house, where they waited some time. The defendant at length came, and then they were taken before a Magistrate and discharged.

In the course of the cross-examination of this witness, he stated that he had not quarrelled with a man named Jones (who was in the same room with him at the defendant's house) before the defendant came in—that Jones having observed they were ill-used previous to the defendant's return, and afterwards having said they had behaved ill, he then did call Jones "a double-faced rascal." Jones then pulled off his coat to fight. He admitted that the patrole offered to procure them a bed, but they did not chuse to accept his offer. The defendant said, if people wished accommodation at his house, they must send their servants before them.

The Rev. Dr. Bennet, the Magistrate before whom the plaintiff and his friend were taken, stated, that when they were coming towards his house, he thought from the crowd accompanying them, they had apprehended a felon. The plaintiff and his friend seemed half dead with the cold of the night. The Rev. Magistrate particularly examined all the parties, and the result of his examination was the discharge of the accused, and a severe reprimand on the defendant for his conduct.

Mr. Serjeant Cooke addressed the Jury for the defendant and endeavoured to impress them with the idea, that the witness had not told a correct story;—that it was improbable a landlord should, from mere whim or caprice, turn customers from his house,—that they had done every thing they could, as he should prove by evidence, to irritate the defendant, and that all they wanted was to get an action for damages.

Jones, the person before alluded to, and Taylor the patrole, were called to shew that the plaintiff had behaved riotously, but in this they failed.

Mr. Serjeant Best, in the course of the reply, observed, that an inn-keeper was liable to an indictment, if he refused to accommodate guests in his house.

Chief Justice Mansfield expressed his surprise that the law should be so, and doubted the fact.

Mr. Serjeant BEST informed the Learned Judge, that for so declaring he had the authority (which he cited) of Chief Baron Comyns, of my Lord Hale, and some other writers.

Chief Justice MANSFIELD observed, that the defendant had not made out a justification for his conduct in point of law, and a verdict must therefore go for the plaintiff. The only question for their consideration was the amount of damages.—"With respect to the law," said the Learned Judge, "I rather think it is with the plaintiff. The plaintiff and his friend Wyldman were guests; but what the law had in contemplation was these sort of guests, persons *travelling* a distance from home. Inn-keepers are compellable to receive travellers and accommodate them, so that they may properly rest and refresh while travelling. These persons were not travelling, but going on a shooting party. If the plaintiff and his friend had gone away when the defendant required them, without obtaining what they demanded, they might have brought an action against him for not receiving them. The defendant, in this instance, seems to have erred from a mistaken notion of the law, when he thinks he was not bound to receive these persons."

The Jury found a verdict for the plaintiff—Damages, 50l.

Wednesday, July 18.

LUCAS v. WILLAN.

The defendant in this case is proprietor of the coaches which proceed to different parts of the country from the Bull and Mouth Inn. In the month of November last, the plaintiff took a place in Liverpool coach, and proceeded therein on his journey. Before he arrived at Liverpool, however, the coach broke down, and his thigh was broken. This accident was productive of considerable loss and inconvenience to him, and by the advice of his friends, he brought the present action, to recover damages for the injury he had sustained by the neglect of the servants of the defendant, in omitting to take the proper precaution to ensure the safe conveyance of the passengers. —Verdict for the plaintiff—Damages 100*l.*

Thursday, July 19.

MAINWARING v. BELL AND DODSON.

This was an action brought by the plaintiff against the defendants, as High Constables of the Hundred of Ossulston, to recover damages for an injury which his house had sustained in the riot, consequent to the confinement of Sir Francis Burdett.

Mr. Serjeant SHEPHERD stated the case for the plaintiff, who grounded his present action on the 1st of George I., by which the Learned Serjeant contended the Hundred were rendered liable to the present damages.

The first witness called was — Ross, who stated that on a certain night in April last, a great mob assembled in Hanover-square, and asked him which was Mr. Mainwaring's house? he did not tell them, but they found it out afterwards, and he heard several cry out—"here goes!" which exclamation was followed by a volley of large stones, brick bats, and whatever missiles the occasion offered. The house windows, &c. were accordingly broken all to "*smash*." he was going to spring his rattle, but they declared if he did they would kill him; he in consequence desisted: he had a light in his watch-box, and there was a large stone thrown at the top of it, which *he conjectured was intended for him.*

Sir JAMES MANSFIELD.—"Indeed I think it highly probable it was."

John Price was butler to Mr. Mainwaring in April last; two or three hundred people came to the door, and asked him, was that Mr. Mainwaring's house? He said it was, and they replied that they were come to break the windows. He asked if putting up lights would prevent it; they said "No, we must have a *smack* at the windows." They accordingly commenced a battery of stones, about 7 or 8lbs. each, shouting out all the time, "No Mainwaring," "Burdett for ever!" They broke the windows, sashes, blinds, and did great damage.

Two female servants of the plaintiff deposed to the same effect.

Joseph Wood repaired the house after the damage; his bill was 120*l.* 6*s.*; that bill included nothing but the repairs which the riotous night rendered necessary.

Mr. Wiggins, a surveyor, surveyed the work; his bill was 6*l.*

The case of the plaintiff being here closed,

Mr. Serjeant SELLON denied that by the statute, quoted by his learned brother, this action could be legally maintained. The statute was made to prevent riots, but certainly never intended to encourage or create a multiplicity of actions for every individual damage which a private house might casually sustain when they took place. If this was the case, every pane of glass might be the subject of an action, even although the fracture took place on an occasion of general rejoicing. The words of the statute, which were applicable, were to be found in the 4th and 6th sections. They said the hundred should be liable in case "a number of persons unlawfully assembled, pulled down, or demolished an house, or began to pull down or demolish an house, or any part thereof."—Now, he contended, that the present case by no means came within these words, because it was not proved that a single brick even of the plaintiff's house was demolished. The Learned Serjeant argued, that decisions had already taken place, in which it was laid down, that the smashing of windows did not come within the Act. He quoted the case of "Read v. Clarke," and another case in the 5th Term Reports, which he could not immediately denominate. In the year 1780, when actions were brought for similar damages, the Judges then presiding, had recommended a very liberal construction of this statute. The same construction he had no doubt his Lordship would now recommend to the Jury. He did not dispute the certainty of the damage now complained of, and he sincerely regretted it; he did not dispute either the justice of Mr. Mainwaring's charges; he had not therefore cross-examined any witnesses of the plaintiff's, nor would he call any himself. He relied entirely on the law of the case, and rested confident that his Lordship would decide, that, under the present statute, the hundred was not liable.

Mr. Serjeant SHEPHERD contended, that the cases quoted were irrelevant. The Statute rendered the hundred liable, in case "any part" of a house was demolished; now the law considered a window a part of an house, because it was decided that even the cutting open a pane of glass to steal goods from a shop window constituted a burglary. In the present case, not only the windows, but the frames, sashes, blinds, and even the interior wainscotting of the house, were demolished.

Sir JAMES MANSFIELD.—"I feel this to be a question of considerable magnitude—not that the immediate case before us can be called so, but that the point which it involves might hereafter become important, as it might affect the life of a fellow-creature; I shall not therefore make any immediate final decision. The facts are not disputed, therefore the Jury must give a verdict for the plaintiff to the extent of the damages proved; at the same time I give liberty to the defendant to apply to the Court for a non-suit, in order to give the Judges of this Court an opportunity for solemn deliberation on the subject."

Verdict for the plaintiff—Damages 126*l.* 6*s.*

ARCHES COURT.

TANDY v. ROSE, *falsely calling herself* TANDY.

This was a suit of nullity of marriage, promoted by the husband, by reason of minority; which was brought by letters of request from the Consistorial Court of Norwich. The parties were married on the 15th of January, 1810, by licence, at St. Peter's Church in that City, without the consent of his mother, whose husband died without appointing any guardian to his son.

Sir J. NICHOLL, after hearing the arguments of Counsel on both sides, said, it was an extremely hard case, and very injurious to the young woman, who was only 17 years of age at the time of marriage, which was consented to on the part of her parents; but notwithstanding, he was bound by law to pronounce for the sentence, and accordingly pronounced the marriage to be null and void.

SURREY SESSIONS.

On Tuesday, *Mary Wolfe*, alias *Boyce*, a young woman of very decent appearance, was charged with being guilty of extreme cruelty towards her own child, a girl about five years of age.

Susannah Brunton stated, that the defendant lodged in her house upwards of seventeen months, during which time she had daily witnessed her cruelty towards the child. The defendant lodged in the parlours, and the witness being one day employed in the kitchen, was alarmed by several heavy knocks upon the floor above, the last of which brought down part of the ceiling, and the witness thought she heard it succeeded by a sort of smothered groan. She immediately ran up to the prisoner's apartments and enquired what she had been doing, who answered, she had been doing nothing. The witness, however, on looking at the child, was extremely shocked to perceive its countenance distorted, and its eyes swelled very much, and again inquired of the prisoner what she had been doing; the prisoner acknowledged she had been *lifting the unfortunate infant up by its neck*, and proceeded to shew the witness in what manner, till the child *again became black in the face!!* The witness remonstrated with the prisoner on her conduct, which she told her would sooner or later terminate fatally to herself and the child too. The child was frequently sent to school in the morning without having any thing given to it to eat, and on those and other occasions the witness used to feed it.

Mary Lechard said, the prisoner lodged with her from November last, till the time she was apprehended in May; she had seen many instances of wanton cruelty on the part of this unnatural parent towards her unfortunate infant; once in particular, in January last, during a very severe frost, the witness was disturbed early one morning by a noise in the yard, and on looking out of the window, perceived the prisoner plunging the child into a large stone cistern, and every time she took the child out its back rubbed against the sides of the cistern, by which the flesh was lacerated. Upon the witness calling to her, the prisoner desisted. The witness soon after went up to the prisoner's apartment, to see how the child was, and discovered it in a most dreadful condition. She perceived several marks of blood on the floor of the room, which she conjectured proceeded from a large wound in the child's head; the skin also was rubbed from its arms, and both sides of the face were much bruised, as if by blows from some hard substance. She had sometimes seen the prisoner, when the child was at work, strike her so as to force the needle a considerable depth into her fingers!!

The Beadle of the Parish of St. Botolph described the situation in which the child was, when deserted by its mother in May last.

Mr. Harlock, a Surgeon, stated, that when he saw the child immediately after the prisoner deserted it, it was exceedingly emaciated; there were several marks of violence perceptible on different parts of its body, and one of its toes appeared to have been crushed to pieces; it was altogether the most deplorable object he had ever seen.

The prisoner in her defence denied having been guilty of any acts of cruelty towards the child. She declared she had not deserted her, but lost her, and had used every means in her power to discover where she was without effect, and at the time she was taken into custody, she was going to a printer to have some bills printed, offering a reward to discover where she was.

The Jury, without hesitating, found her guilty.

The Chairman, in pronouncing sentence, observed, that it was impossible for words to convey an adequate idea of the abhorrence in which the offence of the prisoner must be held by every one who had heard the evidence; the Court had only to regret it was not in its power to inflict a punishment adequate to the offence of which she had been found guilty. That the pillory should form part of her punishment, the Court felt would be but doing her justice, but they were fearful of inflicting it, lest the civil power should not be able to hold the populace in awe, and she should fall a victim to the just indignation excited by such crimes as her's. Under these circumstances, therefore, the sentence of the Court was, that she should be imprisoned in the House of Correction for two years, and at the expiration of that time find securities for her good behaviour for two years more, herself in 100*l.* and two sureties in 50*l.* each.

[The prisoner is a young woman, apparently under thirty years of age, and was dressed remarkably neat; she heard the facts stated by the witnesses, and the arguments of the Counsel, with apparent unconcern, nor did the address of the Chairman or sentence of the Court appear in the least to affect her.]

ACCIDENTS, OFFENCES, &c.

The Pickpockets have devised a new expedient, which has, it seems, been very successful on many occasions. A boy decently dressed is the advanced guard; his business is to pass his hand down the pocket of the person marked for an attack, in order to ascertain whether it contains any thing. He then gives a sign to a stout man, who follows with two dogs chained together, and he contrives to get one of these dogs between the legs of the party; some embarrassment of course ensues, and while the fellow is apologising and attempting to extricate the dogs he effects his purpose. Whatever is thus taken is given to a woman who lurks behind, so if unconnected with the man and the boy, and she hastens immediately from the scene of action, that, in case of any discovery of the loss, the stolen article may not appear in evidence against the former two.

An inquisition was taken on Saturday at the Crown, in Tichborne-place, on the body of Miss Henrietta Tandy, who was found strangled in her bed-room on the preceding morning.—The deceased, it appeared, had recently been sent from Leicestershire to her uncle in London, to avoid the addresses of a young Gentleman who was not approved of by her family. She had fastened a string to the bed-post, and with the other end a noose was made, which was put round her neck, and from the manner in which she was found she must have set about the rash act with a most determined resolution. She had been several days in a state of despondency; and under all the circumstances of the case, the Jury returned a verdict of Insanity.

A merciful Man is merciful to his Beast—so says Holy Writ—A maxim which a certain inhabitant of Clapton does not seem much to admire, as he on Monday started a galloway, under 14 hands high, to go 20 miles within the hour, which the poor animal performed *one minute* within the time. If the ancient doctrine of the metempsychosis could be realised, we think it would be a suitable punishment for a being, who, for the sake of a few guineas, would thus torment a noble and useful animal, to be himself transformed into a post-horse, fastened to the trammels of a dust-cart, or harnessed to a hackney-coach, and subjected to the lash of a *human* driver.

MARRIAGES.

On Thursday, at St. George's, Hanover-square, the Hon. Cecil Jenkinson, to Miss Julia Shuckburgh Evelyn, only daughter of the late Sir George Shuckburgh. After the ceremony the new married couple set out for Lord Liverpool's, at Coombe-wood.

At Putney Church, Fanny, fourth daughter of John Thomson, Esq. of Waverley Abbey, Surry, to Wm. Baring, Esq. fourth son of Sir Francis Baring, Bart.

DEATHS.

At West Grimstead, aged 62 years, Mr. Thomas Sayers, of that place, yeoman. He was a remarkably corpulent man; his coffin was six feet six inches long, two feet six inches in depth, and two feet eight across the shoulders. The weight of the corpse, including coffin, was calculated at half a ton.

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